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Message Text

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14
ORIGIN COME-00

INFO OCT-01 AF-06 IO-11 ISO-00 FEA-01 AGR-05 CEA-01

CIAE-00 DODE-00 EB-07 FRB-03 H-02 INR-07 INT-05 L-03

LAB-04 NSAE-00 NSC-05 PA-01 AID-05 CIEP-01 SS-15

STR-04 ITC-01 TRSE-00 USIA-06 PRS-01 SP-02 OMB-01

/098 R

DRAFTED BY COM:TNAD:OTP:BIEPR:DGARDNER:STMCP
APPROVED BY EB/ITP/OT/TA:WGBARRACLOUGH
COM/TNAD/OTP/BIEPR:FMONTGOMERY
COM/OIM/BIC:SMILLER
COM/TNAD/OTP/BIEPR:BMARSH
STR:LLEE (SUBS)
COM/DND/OTP/BIEPR:DBLACK
---------- 030397
R 060335Z MAR 76
FM SECSTATE WASHDC
TO AMEMBASSY PRETORIA
INFO USMISSION GENEVA
AMCONSUL CAPE TOWN
AMCONSUL DURBAN
AMCONSUL JOHANNESBURG

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E.O. 11652: N/A

TAGS:ETRD, GATT, SA

SUBJECT: SOUTH AFRICAN DUTY ON BABY FOOD

REF: A. PRETORIA 323

1. SAG DEPT. OF COMMERCE IS CORRECT IN CLAIM THAT TARIFF
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BINDING ON INFANT FOOD UNDER TARIFF HEADINGS 19.02, 20.02

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AND 20.05 WAS WITHDRAWN UNDER ART. XXVIII NEGOTIATIONS. HOWEVER, THE US BELIEVES SAG HAS NOT COMPLIED WITH TERMS OF SAG-US ARTICLE XXVIII AGREEMENT. SPECIFICALLY, UNDER TERMS OF NOTE TO GATT DOCUMENT SECRET/200/ADD. 12 OF JULY 31, 1974, SAG "UNDERTAKES TO GUARANTEE FREE ISSUANCE OF IMPORT LICENSES" WHEN A CHANGE IS MADE IN THE TARIFF RATE APPLIED TO ITEMS WITHDRAWN.

2. SECTION A. OF SECRET/200/ADD. 12 INDICATES THAT PRIOR TO WITHDRAWAL INFANT FOODS UNDER THE ABOVE TARIFF HEADINGS WERE BOUND AT DUTY FREE. THE SAG APPARENTLY CHOSE TO ACCORD THIS DUTY FREE TREATMENT BY MEANS OF A REBATE OF DUTY UNDER GENERAL REBATE SCHEDULE NUMBER 412.06 IN SCHEDULE 4 OF THE SOUTH AFRICAN CUSTOMS AND EXCISE ACT NO. 91 OF 1964, RATHER THAN EX-OUT ITEMS FOR INFANT FOODS UNDER EACH OF THE ABOVE TARIFF HEADINGS. SOMETIME AFTER 1972 (EXACT DATE NOT ASCERTAINABLE IN WASHINGTON) THE NOTIFICATION OF REBATE OF DUTY FOR IMPORTS OF INFANT FOOD WAS DELETED FROM THE GENERAL REBATE SCHEDULE AS PUBLISHED IN JACOBSENS CUSTOMS AND EXCISE TARIFF BOOK FOR SOUTH AFRICA AND MUST THEREFORE BE ASSUMED TO BE DISCONTINUED. WITHDRAWAL OF THE REBATE ON THIS FORMERLY BOUND ITEM

CONSTITUTES A TARIFF INCREASE ON INFANT FOODS. SUCH GOODS SHOULD THEREFORE BE REMOVED FROM PARAGRAPH 3 OF SOUTH AFRICAN IMPORT CONTROL REQUIRING THE ISSUANCE OF LICENSES UNDER QUOTA FOR IMPORTATION AND PLACED ON THE LIST OF COMMODITIES WHICH MAY BE IMPORTED UNDER OPEN GENERAL LICENSE.

3. REQUEST THAT EMBASSY BRING THIS MATTER TO ATTENTION OF SAG OFFICIALS FOR RECTIFICATION. KISSINGER

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Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: CUSTOMS DUTIES, FOODS, TARIFF CLASSIFICATIONS
Control Number: n/a
Copy: SINGLE
Draft Date: 06 MAR 1976
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: morefirh
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1976STATE055505
Document Source: CORE
Document Unique ID: 00
Drafter: TNAD:OTP:BIEPR:DGARDNER:STMCP
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Film Number: D760086-0712
From: STATE
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1976/newtext/t19760386/aaaacyke.tel
Line Count: 93
Locator: TEXT ON-LINE, ON MICROFILM
Office: ORIGIN COME
Original Classification: LIMITED OFFICIAL USE
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 2
Previous Channel Indicators: n/a
Previous Classification: LIMITED OFFICIAL USE
Previous Handling Restrictions: n/a
Reference: 76 PRETORIA 323
Review Action: RELEASED, APPROVED
Review Authority: morefirh
Review Comment: n/a
Review Content Flags:
Review Date: 07 MAY 2004
Review Event:
Review Exemptions: n/a
Review History: RELEASED <07 MAY 2004 by woolflhd>; APPROVED <14 JUL 2004 by morefirh>
Review Markings:

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US Department of State
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04 MAY 2006

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: SOUTH AFRICAN DUTY ON BABY FOOD
TAGS: ETRD, SA, GATT
To: PRETORIA
Type: TE
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 04 MAY 2006